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AUTHOR Boles, Janet K.
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ABSTRACT

Both the Family Impact Analysis and the Family Protection Act are perceived by governmental decision makers as pseudo-agenda items; thus, neither issue is being actively or seriously considered. The Family Impact Analysis and the concept of a Family Impact Statement (inspired but not modeled after the environmental impact statement) received an overwhelming mandate in 1980 from the White House Conference on Families. Support was lost, however, during the second stage of the agenda building because of conceptual, methodological, political, and administrative difficulties. Currently only centers receiving relevant grants are engaged in analyzing the possibilities of a Family Impact Statement. The Family Protection Act (FPA), introduced in the 96th and 97th Congresses, contains 31 proposals. It is considered the major social movement of the New Right and establishes tax incentives for families and limits federal authority over child care, abortion, contraceptives, and juvenile delinquency. None of the House and Senate Committees to which the FPA was referred have held hearings, nor are any planned. The history of these two policies may be typical of the manner in which social movements will be treated in the 1980's. (KC)

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SOCIAL MOVEMENTS AS POLICY ENTREPRENEURS: THE FAMILY PROTECTION ACT AND FAMILY IMPACT ANALYSIS

Janet K. Boles
Marquette University

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SOCIAL MOVEMENTS AS POLICY ENTREPRENEURS:
THE FAMILY PROTECTION ACT AND FAMILY IMPACT ANALYSIS

The maintenance of families as an institution is widely, though not unanimously, thought to be in the national interest. Sociologists have identified a number of functions which, if not performed by families, would cost the state several billion dollars to provide. Principal among these are: the nurturing of children, the sick, and the aged; socialization; economic support; and consumption. Although "the decline of the family" and other personal and moral concerns are rarely volunteered as "the most important problem facing this country" in national polls,[1] Americans place a high priority on the maintenance of good family relations. And in a recent poll, 92% of all respondents said they would welcome more emphasis on traditional family life.[2]

Given the central role of the family in American society, government officials and policy analysts took note when demographers in the 70s reported the unprecedented changes taking place in and to families. Some observers linked this "crisis of the family" to inflation, the failure of the churches and schools, or general cultural stress stemming from rapid change in the larger society. But an increasingly common explanation among both government officials and the general public was that certain existing public policies have tended to disrupt family structures.

Most dramatically, a survey in the March, 1980, issue of Better Homes and Gardens, which drew 46,817 replies, found that 92% of all respondents felt that the "general effect of government policies on middle-class families like yours"has been harmful. Seventy-three percent were opposed to government's becoming more involved with American families through its policies.[3] In a more representative poll taken in 1980 by the Gallup Organization for the White House Conferences on Families, nearly half the respondents felt that the national government has an unfavorable influence on family life. Nor were state and local governments, the courts, or the legal system perceived much more positively.[4]

To gain public agenda status, an issue, at a minimum, must 1) be the subject of widespread attention or at least awareness; 2) require action, in the view of a sizable proportion of the public; and 3) be perceived as the appropriate concern of government.[5] It is one of the ironies of the contemporary political environment that, despite the

suspicion currently directed toward governmental intervention in the family, bureaucracies in general, and expertise in particular, two very dissimilar approaches to federal family policy gained public agenda status in the 80s. Each was offered as a means of ameliorating the adverse effects of government policies on the viability of the American family. Support for systematic analysis of all laws, regulations, and rules for their impact on families (family impact analysis) has come primarily from family welfare professionals in public bureaucracies and research centers and is associated with the liberal end of the political spectrum. In contrast, the Family Protection Act, a collection of thirty-one substantive proposals relating to issues such as education, care of the elderly, domestic violence, and abortion, originated with the New Right.

One indication of an issue's having attained public agenda status is its appearance on a party platform. Although not explicitly endorsed by its short title, several provisions of the Family Protection Act were included in the 1980 Republican platform in addition to an entire section entitled "Family Protection."[6] Similarly, the spirit of family impact analysis was clearly reflected in the pledge of the 1980 Democratic platform "to make federal programs more sensitive to the needs of the family, in all its diverse forms."[7]

Although White House Conferences rarely produce policy, given their size, length, broad mandate, and the political bases of the conferees,[8] the recommendations of the three White House Conferences on Families, held during June and July, 1980, also represent public agenda items. The delegates reached broad agreement on a lengthy agenda to strengthen and support families. Thirty-four proposals were adopted at all three conferences; however, only seven received the support of more than 90% of the delegates. One of these highly-ranked proposals was that every private and public agency be encouraged by legislative action to write a family impact statement as part of every policy implemented. Although the Family Protection Act was not endorsed in toto by the conferences, it was the subject of minority reports and several of its provisions for revising the Tax Code did receive majority support at one or more meetings.

Even so, the argument of this paper is that neither policy has gained a position on the formal agenda where it is actively and seriously considered by decisionmakers. Instead, both policies are viewed as pseudo-agenda items being advanced for the maintenance needs and entrepreneurial interests of nongovernmental groups. The family has traditionally played an important role in conservative political strategies. The New Right today has attempted to co-opt the symbols of life and the family in order to legitimate their movement and mobilize their constituents. What is different is the current use of "the family"

by liberals and radicals of the Left. Arlene Skolnick has suggested that this may be a new way of selling old social programs formerly justified in the name of the poor or minorities; decrying capitalism (which can be blamed for the death of the family); or movement-building by middle-class professional feminists.[9]

I. FAMILY IMPACT ANALYSIS

The Concept of a Family Impact Statement (FIS)

Although the concept of a family impact statement may have been new to many of the White House Conferences on Families delegates, family impact analysis was first suggested in the early 70s. It evolved from two dominant concerns of this period. First, there was a growing awareness among both policymakers and family advocates that many of the very expensive and well-intentioned social experiments of the Great Society had shown, to date, only limited success. Some charged that rather than seeking to strengthen families, these new government programs had instead attempted to substitute for them. Second, policy analysts, buoyed by then-prevalent optimism surrounding the Environmental Impact Statement mandated in the 1969 Environmental Policy Act, suggested that a similar process could and should be developed to assess the potential effect of policies upon families. Not only could such statements consider the possible spillover effects on families of proposed policies not specifically directed to families, impact analysis could also evaluate overt family policies. At a minimum, a frontal attack could be made against the myth that government (in the public sector) is neutral to families (in the private sector). Optimally, an ability to assess the effects of government policies on families would become an integral part of the policy process.

The concept of a FIS was given public voice in September, 1973, when the U. S. Senate Subcommittee on Children and Youth held hearings on "American Families: Trends and Pressures." Former Vice President Walter F. Mondale, then Chairman of this subcommittee, said the hearings were "predicated on the simple belief that nothing is more important to a child than a healthy family...We must start by asking to what extent government policies are helping or hurting families."[10] At these hearings, experts in the fields of child development, family sociology, and anthropology recommended that family impact statements be developed for all public policies. Although the Subcommittee was very interested, it concluded that further research should precede any legislative attempts to implement this idea. Except for a little-noted 1976 campaign promise by Jimmy Carter to require a family impact statement as part of major policy decisions,[11] the idea of a FIS did not reappear on the public agenda until the 1980 White House Conferences on Families.

Research in Family Impact Analysis

The idea of a FIS has attracted interest among scholars and bureaucrats at all levels of government. Several grants from private foundations and the federal government havesupported efforts to develop model family impact statements based on analysis of selected family policies. Since Fall, 1976, the Minnesota Family Study Center has been engaged in a family impact analysis research and training program for pre and postdoctoral students, funded by the National Institute of Mental Health. The primary group associated with the concept of a FIS, however, is the Family Impact Seminar, a policy project within the George Washington University's Institute for Educational Leadership. Created in February, 1976, with a grant from the Foundation for Child Development, the Seminar is composed of 24 of the country's leading scholars and public policymakers concerned with families who meet several times a year with the Seminar's core staff.[12] To date, several books and reports have come out of the Seminar's work. In 1980 the Seminar conducted a nationwide field project in which twelve state and local government organizations assessed the impact on families of selected policies. Along with the Minnesota Family Study Center, the Seminar also serves as a clearinghouse for information about family impact analysis

Feasibility of the Family Impact Statement

Once an issue has gained public agenda status, progression to a position on the formal agenda requires agreement on a concrete approach (or policy) to be adopted by government. My argument is that family impact analysis became a pseudo-agenda item at this stage because of a number of conceptual, methodological, political, and administrative difficulties.

The Definition of "Family" and "Family Policy." Although in general those who have done research in family impact analysis have used a definition of "the family" close to that of the traditional nuclear family, scholars have also noted the hazards of adopting a narrow or inflexible definition of "the family." This critique of the normative nuclear family by those espousing the FIS has made the policy itself a popular target of conservative social critics. It is argued that if any voluntary association of people constitutes a family and all forms of human cohabitation are equally valid, the policymaker has no real guidelines in formulating goals (positive impacts) for family policy.[13]

Even if a politically acceptable definition of "family" is found, difficulties persist concerning the differential impact of policies upon families. A given public policy may affect families in markedly varying ways, given the diversity of families; or that same policy may affect members of the same family in quite different or conflicting ways.

Finally, the subject of family impact analysis--that is, family policy--itself remains a concept lacking a clear content or meaning. As Kamerman has noted, without clear criteria for identifying which

laws, policies, and administrative regulations should be reviewed by the family impact analyst, there are no limits to what could be considered as potentially having some effect on families.[14] A recent statement from the Family Impact Seminar suggests that the Seminar has in fact decided to forego a rigorous definition of family policy in the interests of pluralism and, one suspects, the political acceptability of family impact analysis.[15]

Values of Family Impact Analysis. The idea of a family impact statement also assumes that there is general agreement on what constitutes positive and negative impacts on families. Unlike environmental impact statements for which there is a general agreement that less pollution is preferable to more, with regard to family, there is no agreement on even the basic issue of whether intact families are good or bad for family members. In theory, family impact analysis can proceed so long as the analyst makes clear the values implicit in the process. In practical political terms, however, the FIS can not be implemented in lieu of consensual goals concerning desirable family impacts.

Methods of Family Impact Analysis. The theory and methodology of family impact analysis has been a topic of some attention in the past decade,[16] yet its research design and methodology remains an eclectic mixture of the qualitative and quantitative. Family impact analysts are still very much involved in the exploration and testing of alternative models. The general acceptance of a single model is complicated by the multidisciplinary nature of the FIS (with an accompanying lack of consensus on methods, content, and knowledge.) More serious barriers to methodological convergence, however, are the problems shared with other types of social impact assessment: available or readily accessible data; inadequacies of good measures of family functioning; limited knowledge of cause and effect relationships in family life; and difficulties in using experimental or quasi-experimental designs in field research. Although multiple techniques per se are not a major shortcoming, policymakers may hesitate to embrace an analytical process in a state of apparent methodological flux.

Political and Administrative Feasibility. In addition to the conceptual and methodological problems, mentioned above, the implementation of family impact analysis in a governmental setting is surrounded by several other constraints. Like other social impact statements, the FIS is only one tool for the policymaker. Jurisdictional, budgetary, or political considerations may dictate that the "best" policy (in terms of family impact) not be chosen. Furthermore, as Druckman and Rhodes have stated, "the urgency of family-related concerns often demands immediate attention via policy legislation or social programs. It may not be possible to generate family impact statements quickly enough to meet these needs or to conform to the exigencies of political timetables."[17] Even if such confounding factors were not present, advocates of family impact analysis must still overcome a currently hostile political environment without a solid history of policy precedents to assist them.

Writing in reference to family policy, Gilbert Steiner has observed that:

> the timing is wrong. Family policy implies intervention, regulation, public assistance, manipulation of individual choice...Yet family policy has been offered when, in nearly all respects, the national swing is to nonintervention, deregulation, fiscal restraint, reliance on market forces.[18]

Political conservatives have been skeptical concerning the FIS, seeing it as a means for the government to impose its own views of family life, contrary to those of citizens. Onalee McGraw of the Heritage Foundation has charged that:

> family impact analysis is an empty bucket into which any concoction can be poured. The concoction will depend strictly on the values, ideology, and political position of those who perform the analysis and write the family impact statement. In practical terms, family impact statements will be formulated by people in or under contract to the human services bureaucracies.
>
> The concept of family impact analysis reinforces the view that experts on the family are indispensable to study and recommend the best policies for government. It is a superficially non-controversial means of increasing the power and legitimacy of the helping professions in the formation of family policy.[19]

At a minimum, the pro-family movement indicates that social scientists and professionals will not have a monopoly on influencing policy decisions. Persons and groups with solely a value base rather than a scientific base will increasingly press for policy concessions.

Faced with this hostility toward intervention into the family by bureaucratic experts, and a certain amount of doubt concerning the ability of government policy to affect in any way the social forces responsible for the current changes in family life, advocates of family impact analysis are badly in need of policy precedents to bolster their cause. In Europe, where several countries have explicit family policies, there has been no interest in developing a formal FIS. According to Kamerman, most citizens and government officials do not feel the need for scientific validation of what they believe to be sound policies for families.[20] In the United States, the most visible policy precedent is the environmental impact statement (EIS), from which, given the political winds, FIS advocates have been careful to disassociate their own policy.

In their recommendations to the White House Conferences on Families, the Family Impact Seminar explicitly rejected the suggestion that the environmental impact process could be applied directly to family issues. More specifically, the Seminar urged that laws not be used as a legal weapon to prevent or delay programs, that they not require analyses of all relevant policies and programs, that the FIS be a document that public officials and the public will find easy to read and use, and that the statement not approximate the EIS, which sometimes totalled ten or more volumes. The only element borrowed from environmental impact analysis is heightened public sensitivity and consciousness.

A further indication of the political acumen of advocates of impact analysis (and especially those associated with the Family Impact Seminar) is the speed with which they have adjusted to the current hostility toward experts and bureaucracy. The family impact analyst, as originally conceived, was seen as a specially-trained professional policy analyst, usually affiliated with a public bureaucracy (although private consultants and extra-governmental sponsorship were also recognized as possibilities.) In 1980, in its recommendations to the WHCF, the Family Impact Seminar clearly broke with this tradition by opposing the creation of government bureaucracies for the purpose of family impact analysis. Although conceding that at some level sophisticated research is necessary for answering family impact questions, the Seminar argued that a variety of organizations--such as PTAs, community action agencies, and interest groups--could engage in family impact analysis. Further, the process was said to not always require complex and long-term research. The Seminar finally urged the creation of independent commissions for families at all levels of government. Such commissions would be composed of citizens, serving on a part-time basis, and would be advisory in nature, modestly-funded, and be established at first for a time-limited test period. Granting the superficial brilliance of, at one stroke, repudiating expertise, bureaucracy, and costly government and endorsing the new federalism, volunteerism, and the sunset principle, the fact remains that the policy's most important ally--the policy analyst--is irrevocably alienated by the Seminar's cavalier assertion of the simplicity of policy analysis.

Family Impact Analysis as a Pseudo-Agenda Item

Family impact analysis and the FIS readily gained public agenda status in the mid-70s and again in the 80s, when it received an overwhelming mandate from the White House Conferences on Families. On a superficial level, the concept of a FIS was appealing to most segments in American society. Family impact analysis was perceived as a process which would permit government to address a recognized problem. It was during the second stage of agenda-building--agreement on the specifics of the policy to be adopted and implemented by government--that consensus broke down and support was lost. Currently there appears to be little support among governmental decision makers, nongovernmental groups, and the general public for implementing family impact analysis.

The politically-damaging definition of the FIS as a "liberal" policy was not accompanied by increased commitment among liberals to this proposed process. Traditional members of the liberal coalition such as women's groups, social welfare professionals, child advocacy groups, and organizations that serve the poor were hesitant to vigorously support a policy which was neither conceptually and methodologically clear nor unambiguously in the interest of their respective constituencies.

The FIS has rarely been seriously advocated or studied by anyone other than those associated with centers receiving grants to engage in such research. Academic interest in the process faded as the complexity of the process (and the political problems) became evident. Scholarly literature on the subject, with few exceptions, has originated solely with the staff and fellows of the Minnesota Family Study Center and the Family Impact Seminar. Bureaucratic support has been undermined by the challenge to bureaucratic autonomy and expertise posed by the redefinition of the process in terms of citizen participation. Elected officials saw no political payoffs (but considerable liabilities) in adopting an advocacy stance. For this reason, even a nominal bill to mandate family impact analysis has yet to be introduced in Congress. However, as long as public and private grant monies are available to research centers and local governments for family impact studies (thereby fulfilling the entrepreneurial and maintenance needs of those recipient organizations), the incubation of the concept of a FIS as a pseudo-agenda item will continue.

II. THE FAMILY PROTECTION ACT

The History of the Family Protection Act (FPA)

The history of the Family Protection Act follows the more conventional pattern of the pseudo-agenda item and agenda-building generally. The Family Protection Act was first introduced in the 96th Congress by Sen. Paul Laxalt (R.-Nev.) and Rep. Steven Symms (R.-Idaho) as S. 1808 and H. R. 6028. It was re-introduced in revised form in the 97th Congress by Sen. Roger Jepsen (R.-Iowa) and Rep. Albert Lee Smith (R.-Ala.) as S. 1378 and H.R. 3955.

The FPA is an omnibus bill running 66 pages and containing thirty-one substantive proposals. These include: various tax incentives to help families bear the costs of education, adoption, care for the elderly, and retirement; limitations on federal authority over such matters as child abuse, spouse abuse, and juvenile delinquency; a right-to-work provision for teachers; the exemption of most institutions and programs run by religious organizations from any federal regulation; restrictions on the provision of abortion, abortion counseling, and contraceptives

to minors by federally funded organizations; provisions to increase parental authority over children and schools; a "safe-harbor" provision to make it more difficult for the tax exemptions of private schools to be revoked for reasons of discrimination; a bar on the use of federal funds to advocate homosexuality; provisions relating to school prayer; and the conversion of most federal categorical education aid programs to block grants. All are offered under the encompassing rubric of strengthening the American family and promoting the virtues of family life.[21]

According to many media accounts, the author of the FPA was Connie Marshner, director of the Family Policy Division of the Free Congress Foundation (established by New Right leader Paul Weyrich) and editor of the Family Protection Report. An article in Playboy claims that the FPA was formally drafted on December 19, 1978, at a meeting in the offices of Washington attorney William Stanmeyer. Among those present were Marshner, Gary Potter (President, Catholics for Christian Political Action), JoAnn Gasper (Editor, Right Woman), and Rev. Robert Billings (Executive Director, Moral Majority).[22] Since its introduction, the FPA has been hailed by both friend and foe as the major social initiative of the New Right and a top legislative priority of that social movement.

It is common for a bill to be introduced in legislatures as a means of acknowledging a demand without having to actively consider its merits through committee or floor action. As Cobb and Elder have noted, decisionmakers will often use such a pseudo-agenda item to assuage frustrations of constituency groups and to avoid the political ramifications of a failure to acknowledge the demand.[23] The FPA had no difficulty in attracting legislative sponsors and co-sponsors given the number of members of Congress who feel indebted to the New Right for their election and who identify strongly with that movement. Furthermore, a measure designed to "protect the family" is a strong valence issue that promises legislators both political benefits and needed issue specialties.[24]

The Conflict Over the FPA

Agenda-building can be a solely internal process, whereby an issue emerges and is resolved within the government without being expanded to the larger community. More commonly, in egalitarian societies, nongovernmental groups are involved in the agenda-setting process, either as initiators of potential agenda items or linkages between initiators in the government and the general public. In the case of the FPA, its creation by New Right groups probably was motivated by both the entrepreneurial and maintenance needs of that movement as well as a perceived bias in the allocation of resources and values in society (vis-a-vis more secular liberal organizations). However, as a broad

complex piece of legislation of widespread and enduring social significance, the FPA was a likely candidate for expansion to a larger audience than that of its "identification group," the New Right.

Given the sheer length and complexity of the FPA, it was essential that the bill first be redefined for its core supporters by being simplified into terms on which there is the greatest consensus and strongest emotions (i.e. the deleterious effects of the federal government on the family and the restoration of family life.) In view of previous struggles between the New Right and other activist groups in society over issues such as the Equal Rights Amendment and abortion, it was inevitable that all "attention groups" did not accept this initial redefinition of the FPA.[25] In fact, many denounced it as false and misleading and offered their own definitions of the issue.

An important strategy in agenda-building is to associate one's issue with emotionally laden symbols which have legitimacy, contemporary meaning, and wide public appeal. Both parties to the conflict have utilized such condensational symbols and, in the case of "the family," the same symbols. Opponents of the FPA have also attempted to discredit the bill by making proponent groups and leaders the central issue. Even so, the issue has not expanded much beyond attention groups. For an issue to gain awareness among the attentive and general publics, competing groups must either have access to mass media or the resources necessary to reach people. Although both the New Right and opposition attention groups have, to varying degrees, succeeded in reaching their own constituencies, for the most part the mainstream mass media (i.e. television, daily newspapers, and newsweeklies) have either ignored the FPA or treated it as a pseudo-issue.

Agenda-building for the FPA

Although most New Right and other conservative publications have formally endorsed the FPA and have carried occasional feature stories on its content and status, the amount of space devoted to it is small compared with, for example, the attention accorded school prayer, national defense, or the balanced budget amendment. Only two stories on the FPA have appeared in the Moral Majority Report in the past year. Furthermore, an announcement there for the recent Family Forum II did not list the FPA as one of the topics to be discussed. The cover of the Conservative Digest (May/June, 1980) featured Sen. Laxalt alongside a mock-up of the FPA. Inside, however, there was only a one-page summary of FPA's provisions.

In view of the alarmed attention given the FPA in liberal-leaning journals of opinion, it is also surprising that the more accessible conservative and neo-conservative publications have largely ignored the FPA. The National Review has featured a one-page analysis of the

bill by M. Stanton Evans.[26] Likewise, Human Events has only treated the FPA in two brief articles since its introduction. Three oft-quoted "manifestos" of the New Right devote, at most, three pages to the FPA; one merely endorses the bill in a single sentence.[27] The publications of the Heritage Foundation also rarely mention the FPA.[28] One exception is the Foundation's Education Update (September, 198[illegible]), which along with The Phyllis Schlafly Report (November, 1979), provides the only extensive discussion of the FPA written from the perspective of a supporter.

Such cursory information leaves identification group members with little technical knowledge of the FPA. Instead, their active support depends on the power of the symbols attached to the bill. Thus, conservative Americans have been promised that the FPA will: "restore the authority for life decisions to families" from "interventionist and expansive government," bring a "renaissance of the family," end "the federal government's recent promotion of 'alternative life-styles' or 'varied family forms'" and generally "support traditional values, encourage families to stay together, uphold parental authority, and reinforce traditional husband and wife relationships."

Members of the Moral Majority, the John Birch Society, Eagle Forum (Phyllis Schlafly), the National Association of Evangelicals, and the Heritage Foundation have been urged to become active lobbyists on behalf of the FPA. But even within these groups, support for the FPA has been expressed with some reservations concerning the fiscal wisdom, administrative feasibility, and constitutionality of certain provisions.[29] James J. Kilpatrick termed the 1979 version "hopeless" and recommended that it be scrapped. Writing in February, 1981, Kilpatrick lamented, "If the Family Protection Act is a conservative measure, I have wasted my life in understanding and promoting the conservative cause."[30] Viguerie refers to a luncheon hosted by Laxalt for top evangelicals who promised an all-out effort to pass the bill,[31] All other references to genuine commitment of New Right resources appear in the publications of opposition groups, who would be highly motivated to exaggerate the formidable nature of their competitors.[32] Instead, the FPA would seem to perform functions apart from purely legislative policy goals.

Robert Eyestone has suggested that it is not unreasonable for groups to act on unreasonable expectations; this may in fact be the best way to test the practicality of their demands.[33] The writings and statements of FPA supporters indicate that the bill was designed to serve at least four purposes and, as such, was not meant to be legislatively perfect.[34] First, it provides a standard which can be used to distinguish legislative supporters of New Right social issues from those who merely articulate "pro-family" rhetoric. The FPA was an especially useful screening device for the 1980 Congressional elections.[35] Second, the FPA is a strategic offensive weapon in the ideological and political competition with liberals. Marshner has written of the FPA:

> It seizes the 'high ground' of the issues, and stakes out the parameters of the debate. Tactically, that is an advantage: It shifts the focus of debate to pro-family issues; it forces 'them' to talk about 'our' issues instead of us always being in the position of saying no to their issues. The Family Protection Act gives the initiative to the pro-family side--it is something pro-family forces can be for.[36]

And indeed this new focus on agenda control has thrown opponents of the New Right off-balance. Third, by aggregating family and other conservative issues in a dramatic fashion, the FPA may prove to be a powerful tool for attracting new members to the New Right and retaining the loyalties of present followers. Paul Weyrich, for example, has stated that family issues could be for the Right what Vietnam in the 60s and environmental/consumer issues in the 70s were for the Left.[37] Fourth, by endorsing a piece of legislation that even sympathetic lawyers have advised has unconstitutional (or constitutionally questionable) sections, the New Right can symbolically challenge unpopular Supreme Court stances on issues such as school prayer, abortion, and discrimination based on race, sex, and sexual preference.

Agenda-building in Opposition to the FPA

According to McCombs and Shaw, readers learn about a given issue and how much importance to attach to that issue from the amount of information in a news story and its position.[38] By this rule of thumb, members of attention groups allied against the New Right and a few very alert members of the attentive public may well have perceived the FPA as a real issue competing for a place on the formal agenda. Furthermore, the FPA has generally been defined for these groups in highly negative terms.

Several of the nation's leading newspapers have either ignored the FPA or treated it as a pseudo-agenda item.[39] Likewise, the highly respected National Journal and the Congressional Quarterly Weekly Report have discounted its chances in their coverage of the New Right's legislative prospects.[40] Even so, some other newspapers have critically examined the FPA and even editorialized against it.[41] And more importantly, a number of general circulation magazines, as well as journals of opinion, have featured stories hostile to the FPA.[42] Scholars have incorporated summaries and critiques of the FPA into their writings.[43] Finally, a myriad of organizations have attempted to inform their members through internal newsletters and other communications of the incongruities of the FPA with group goals. These include: the National Education Association; National Center on Women and Family Law, Inc.; National

Lawyer's Guild; Socialist Workers Party; People for the America Way; National Organization for Women; National Women's Political Caucus; National Gay Task Force; American Association of University Women; American Home Economics Association; Children's Defense Fund; League of Women Voters; National Abortion Rights Action League; National Coalition of Women and Girls in Education; National Congress of Parents and Teachers.[44]

Although many of these accounts concede that the FPA currently has little, if any, chance of passage as an intact piece of legislation, opponents are hesitant to dismiss it, given the political climate. Exhortations to actively oppose the FPA are common. The bill has even spawned an ad hoc group, the National Coalition to Stop the Family Protection Act, which is coordinated by the National Organization of Legal Services Workers, an affiliate of the New York local of the United Auto Workers.

Whereas the FPA was redefined for identification groups in terms of condensational symbols associated with the sanctity of the family and hostility to governmental intervention, new and different issues have been introduced by opponents of the FPA to appeal to their constituencies. Antipathy toward the New Right is utilized widely by linking that movement with the FPA.[45] The bill itself has been termed "a blueprint for fascist family life,"[46] which would undercut the rights of women, children, homosexuals, the elderly, teachers, unions, minorities, and the poor, among others. In redefining some of the technical provisions of the FPA into concrete policy impacts, opponents have charged that, under it, government could outlaw: abortion, affirmative action, existing gay rights, legal aid for the poor, nonsexist textbooks, contraceptive devices, and adequate social security payments, while legalizing domestic violence, child abuse, segregated schools (at least for tax purposes), censorship, and government-sponsored school prayer.[47]

Even the most attractive provisions--those extending tax credits or deductions for child birth and adoptions--have been redefined as classist benefits for those families with incomes high enough to pay a significant amount in taxes. Encouraging in-home care of an elderly parent, it is further charged, would in fact deprive the elderly of independence and dignity, as well as place an additional burden upon women who primarily would provide that care. The inequities of restricting tax breaks for births and adoptions to married couples has also been noted.

Nor have FPA opponents been willing to concede the positive symbol of "family" and the negative one of "governmental intervention" to the New Right. Critics correctly note that the New Right supports state involvement to establish their own policy preferences. While some provisions of the FPA would prohibit federal intervention into certain

policy area, the majority would require the use of additional federal powers in the form of tax benefits or denial of funds to promote a certain model of education, society, and family life.

There is even greater concern that support for the family not be associated solely with the New Right. Some feel that popular support among the working class for New Right candidates can be attributed to that movement's portrayal of itself as "pro-family." The appropriate response then is for the Left to co-opt the "pro-family" position for itself.[48] The "crisis of the family" in this analysis is variously attributed to workplace stress, poverty, inflation, unemployment, racism, and sexism. True pro-family policies would thus include: day care centers, equal rights for all, shelters for battered women, nuclear disarmament, full employment, national health care, a 35-hour work week, reproductive freedom, housing programs, and worker-controlled occupational health and safety committees. As both Erhenreich and Epstein have recognized, this attempt to pass off a dated list of liberal and left reforms as the ultimate pro-family program is not analysis but political opportunism.

Viewed in this light, however, it becomes clearer why the FPA was not treated as a pseudo-agenda item by its opponents. Such an omnibus bill was easily dramatized and distorted so as to appeal to each of the Left's "natural constituency": liberals, leftists, feminists, civil libertarians, gays, the trade union movement, the liberal wing of the church, minorities, and service professionals. At the same time, the meaning of "pro-family" could be redefined so as to serve the entrepreneurial and maintenance needs of the Left.

Governmental Responses to the FPA

According to Jack Walker's typology of Senatorial agenda-setting, the FPA is a "chosen problem" and, as such, is usually elevated to the formal agenda only after priority items (i. e. habitual, recurrent, and crisis-induced spontaneous policies) have been dealt with.[49] However, by introducing such measures, members of Congress provide a setting for the gestation of new ideas through hearings and floor speeches.

None of the several House and Senate committees to which the FPA was referred have yet held hearings on the bill nor are any planned. Neither has the FPA been the subject of unusual attention on the floor. Less than a dozen speeches on its behalf appear in the Congressional Record, 1979 to date (and none during the first four months of 1982.)

Treatment of the FPA as a pseudo-agenda item even by its sponsors may have been spurred by analyses prepared by the Congressional Research Service and the Women's Research and Education Institute of the Congresswomen's Caucus. Both warned of possible constitutional problems.[50] Governmental responses to the FPA have instead taken three other forms: the provision of symbolic rewards and reassurances, feigned constraint and postponement, and tokenism.

Recognized pro-family leaders of the New Right have been brought into the Reagan administration. Among them are: Rosemary Thomson, former state director of the Eagle Forum in Illinois, to be executive director of the National Advisory Council on Women's Educational Programs; JoAnn Gasper, to be deputy assistant secretary for social services policy, Department of Health and Human Services; Robert Billings, to be chief liaison officer for the ten regional offices of the Department of Education. And despite the silence of the President regarding the FPA, further symbolic reassurance has been provided its supporters through Reagan's widely-publicized endorsements of school prayer and tuition tax credits for private educational institutions.

A second strategy has been to postpone dealing with the New Right's divisive social agenda by stressing the primacy of the domestic economy and national defense. This has been the position of the White House and one supported by FPA co-sponsor Paul Laxalt.[51] One problem with the FPA in this era of the quest for a balanced budget is the number of tax cuts included. Although no firm estimates of revenue expenditures are available, the losses are in the billions. The critique of the Reagan administration appearing in the July, 1982, issue of the Conservative Digest, however, suggests that this strategy is no longer an acceptable response.

The third approach, tokenism, may be addressing the genuine agenda items of the New Right. Budget reductions have already occurred in programs opposed by the New Right pro-family groups, such as federally-financed abortions and certain family planning activities. The Reagan administration has also moved to strike abortion coverage from federal workers' health insurance plans. A tax exemption for parents who adopt hard-to-place children has been enacted as part of the Economic Recovery Tax Act of 1981. Proposed federal guidelines would require parental notification when minors are given services under the federally-funded teenage pregnancy program. Education block grants were created under the Budget Reconciliation Act of 1981. In addition, a number of FPA provisions have been referred to House and Senate committees as separate bills. There are also plans to attach some provisions as riders on other pieces of legislation. Thus, while opponents "successfully" organize against the pseudo-issue of the FPA, its constituent parts are quietly becoming administrative and statutory law.

III. AFTERWORD ON SOCIAL POLICY AGENDA-BUILDING IN THE 80s

The agenda histories of family impact analysis and the Family Protection Act may be typical of new patterns of agenda-building for social policies in the 80s. Some observers feel that the prospect for major social initiatives is dim. Currently, public opinion is dominated by a politically conservative attitude which is very negative toward new and large federal spending efforts for human services, regardless of social need or cost effectiveness. Commonly, the incubation of liberal social agenda items may be relegated to sympathetic research centers and professional associations. On occasion, such policies may be successfully adopted and implemented by governmental decision-makers. When this occurs, however, the policy typically will not have attracted the attention of opposition groups. The pattern of agenda building here will closely approximate the "inside access model" of Cobb et al, whereby the issue is not placed on the public agenda. Instead, bureaucrats and their associated professional groups cooperate to assure passage.[52]

New Right groups too may increasingly seek to limit issue expansion to the public. Because conservatives have mastered the new technology of direct mail, they are able to by-pass the (liberal) national news media and directly reach their identification and allied attention groups. An occasional pseudo-agenda item may be used as a diversionary tactic to engage the energies of liberal and Left groups (much as "stopping the Equal Rights Amendment" diverted the pro-family movement in the 70s from actively contesting legislation and litigation which in fact implemented much of that proposed amendment.)

The fact remains that there will still be "family policy" and "governmental intervention." The questions are "which policies?" and "what role for government?" If indeed these issues are framed solely in symbolic terms when expanded to a larger public and the deliberate bypassing of the public agenda becomes the general pattern of agenda-building for social policy, a major change in the American policy process will have occurred.

NOTES

[1] See, for example, the Gallup Report 198 (March, 1982) 26. Only 4% cited "moral decline in society" as their greatest concern.

[2] Gallup Report 197 (February, 1982) 6; Gallup Report 198 (March, 1982) 10.

[3] Kate Keating, "Is Government Helping or Hurting American Families?" Better Homes and Gardens 58 (September, 1980) 19-20+.

[4] White House Conference on Families, Listening to America's Families: Action for the 80s. (Washington, D.C.: Government Printing Office, 1980), p. 183.

[5] Roger Cobb et al, "Agenda-building as a Comparative Political Process," American Political Science Review 70 (March, 1976) 126-138.

[6] Reprinted in Congressional Quarterly Weekly Report 38 (July 19, 1980) 2034-2036.

[7] Reprinted in Ibid, August 16, 1980, p. 2401.

[8] See W. C. Horner, "White House Conferences: Process and Politics Without Policy," Social Work 25 (May, 1980) 241-242.

[9] Arlene Skolnick, "The Family and Its Discontents," Society 18 (January/February, 1981) 42-47.

[10] U. S. Senate, Subcommittee on Children and Youth, American Families: Trends and Pressures. (Washington, D.C.: Government Printing Office, 1974)

[11] "A Statement in New Hampshire, August 3, 1976," The Presidential Campaign, 1976, vol. 1: Jimmy Carter. (Washington, D.C.: Government Printing Office, 1978), part 1, p. 465.

[12] The founder and director of the Seminar is Sidney Johnson, formerly the Staff Director of the Senate Subcommittee on Children and Youth (the Mondale Subcommittee). Gilbert Steiner has suggested that the Seminar's members had grown rather disillusioned with the project by 1979 and over half declined to attend further meetings. Gilbert Y. Steiner, The Futility of Family Policy. (Washington, D.C.: Brookings, 1981), p. 30.

[13] See Allan C. Carlson, "Families, Sex, and the Liberal Agenda," Public Interest 58 (Winter, 1980) 62-79; Ellen Wilson, "Home Truths," Human Life Review 6 (Summer, 1980) 19-29; Onalee McGraw, The Family, Feminism, and the Therapeutic State. (Washington, D.C.: The Heritage Foundation, 1980), pp. 5-8.

[14] Sheila B. Kamerman, Developing a Family Impact Statement. (New York: Foundation for Child Development, 1976), p. 5.

[15] Family Impact Seminar, Recommendations to the White House Conference on Families. (Washington, D.C.: George Washington University, 1980). p. 19.

[16] See especially F. Ivan Nye and Gerald W. McDonald, "Family Policy Research: Emergent Models and Some Theoretical Issues," Journal of Marriage and the Family 41 (August, 1979) 473-485; Marcia G. Ory, "Family Impact Analysis: Concepts and Methodologies," Policy Studies Journal 8 (Summer, 1980) 941-950; Shirley L. Zimmerman, "Policy, Social Policy, and FAmily Policy: Concepts, Concerns, and Analytic Tools," Journal of Marriage and the Family 41 (August, 1979) 487-495.

[17] Joan Druckman and Clifton Rhodes, "Family Impact Analysis: Application to Child Custody Determination," The Family Coordinator 26 (October, 1977) 454-455.

[18] Steiner, p. 205.

[19] McGraw, p. 14.

[20] Kamerman, p. 15.

[21] It is interesting to note that other "Family Protection Acts" were previously introduced or enacted. The well-regarded Family Protection Act of 1977 (California) addressed the problem of indefinite foster care. Sen. Jacob Javits (R.-N.Y.) and Rep. Charles Rangel (D.-N.Y.) sponsored a "Family Protection Act" in 1979 which would have revamped the AFDC program.

[22] "THe Astonishing Wrongs of the New Moral Right," Playboy 28 (January, 1981) 117.

[23] Roger W. Cobb and Charles D. Elder, Participation in American Politics: The Dynamics of Agenda-building. (Baltimore: Johns Hopkins University Press, 1972), p. 87. The model of agenda-building used here draws heavily upon the work of Cobb and Elder, as well as Cobb et al.

[24] See Barbara J. Nelson, "Setting the Public Agenda: The Case of Child Abuse," in Judith V. May and Aaron B. Wildavsky, ed. The Policy Cycle. (Beverly Hills, Ca.: Sage, 1978), p. 37; Nelson W. Polsby, "Policy Initiation in the American Political System," in Irving Louis Horowitz, ed. The Use and Abuse of Social Science. (New Brunswick, N.J.: Transaction, 1971), p. 304.

[25] In the typology of Cobb and Elder, identification groups are those people who feel strong ties to the originators of an issue and who see their own interest as tied to that of those raising the issue. Attention groups are those most likely to be aware of a conflict in its earliest stages because of their interest in public issues.

[26] M. Stanton Evans, "Saving the Family," National Review 32 (January 25, 1980) 101.

[27] See Jerry Falwell, Listen America! (Garden City, N.Y.: Doubleday, 1980), pp. 136-137; Jerry Falwell, ed., The Fundamentalist Phenomenon. (Garden City, N.Y.: Doubleday, 1981), p. 206; Richard A. Viguerie, The New Right: We're Ready to Lead. (Falls Church, Va.: Viguerie, 1981), pp. 154-156.

[28] For one-paragraph discussions of the FPA, see McGraw, pp. 70-71; Allan C. Carlson, "Sex According to Social Science," Policy Review 20 (Spring, 1982) 136.

[29] See especially Robert P. Dugan, "Is the Family Protection Act Worthy of Its Name?" United Evangelical Action (Spring, 1982); "The Family Protection Act," The Phyllis Schlafly Report 13(Section 2, November, 1979), 4.

[30] Quoted in Rhonda Brown, "Blueprint for a Moral America," Nation 232 (May 23, 1981) 617+.

[31] Viguerie, p. 156.

[32] Brown claims that by late 1979, the National Christian Action Coalition had spent $10,000 on behalf of the FPA and had asked member churches to take a special offering to fund a further lobbying effort. See also Carol Bros, "Family Protection Act: Protecting Whose Family?" Women's Political Times 7 (January, 1982) 8; Susan A. Kahil, "'Family Protection' Act Designed to Kill Women's Rights," National NOW Times 14 (March, 1980) 3.

[33] Robert Eyestone, From Social Issues to Public Policy. (New York: John Wiley, 1978), p. 133.

[34] This argument was purportedly made by Sen. Laxalt in a 1981 letter to James J. Kilpatrick, enlisting his support for the FPA. See Brown.

[35] See the statement by Connie Marshner in "The Family Protection Act," Human Events 41 (January 24, 1981) 5.

[36] Quoted in "Saving the Family: The Laxalt Bill," Conservative Digest 6 (May/June, 1980) 30.

[37] Quoted in Viguerie, p. 152.

[38] Maxwell E. McCombs and Donald L. Shaw, "The Agenda-Setting Function of Mass Media," Public Opinion Quarterly 36 (Summer, 1972) 176-187.

[39] Both the New York Times and the Washington Post have done only one news story on the FPA since its introduction. The Los Angeles Times has summarized the provisions of the FPA as a part of another story. In all three, passage was strongly questioned. See Francis X Clines, "Baker Ends Effort to Bar Social Issues," New York Times, June 18, 1981, II, p. 12; Margot Hornblower, "Pro-Family Push: Political Mine Field," Washington Post, July 25, 1980, p. 1A; Harriet Stix, "The Family Way in the Bay Area," Los Angeles Times, January 18, 1982, V, p. 1.

[40] See Dick Kirschten, "Putting Social Issues on Hold: Can Reagan Get Away with It?" National Journal 13 (October 10, 1981) 1810-1815; "The Family Protection Act: Dear to the New Right But Unlikely to Get Out of Committee," Congressional Quarterly Weekly Report 39 (October 3, 1981) 1916.

[41] See "The Family Protection Act: Handle with Care," Christian Science Monitor, July 23, 1981, p. 24; Arthur Siddon, "'Family Rights' Bill is Goal of Moralists," Chicago Tribune, December 21, 1980, II, p. 12; Michael Kilian, "Say a Prayer for the Family," Chicago Tribune, June 25, 1981, I, p. 16.

[42] See Sally Helgesen, "Theoretical Families," Harpers 264 (January, 1982) 16+; Rosemary Ruether, "Politics and the Family: Recapturing a Lost Issue," Christianity and Crisis 40 (September 29, 1980) 261-266; Frances Fitzgerald, "New Righteousness--Changing Our Laws, Your Life," Vogue 171 (November, 1981) 236+; Ellen Switzer, "The Act That's Unhealthy for Men, Women, and Kids," Self (December, 1981): Rhonda Brown, "Blueprint for a Moral America," Nation 232 (May 23, 1981) 617+; Lisa Cronin Wohl, "Can You Protect YOur Family From the Family Protection Act?" Ms. 9 (April, 1981) 76-77; "The Astonishing Wrongs of the New Moral Right," Playboy 28 (January, 1981) 116-118+. For a scathing satire on the FPA by Randy Cohen, see Working Papers 9(May-June, 1982) 7.

[43] See Jessie Bernard, "Facing the Future," Society 18 (January/February, 1981) 53-59; Zillah R. Eisenstein, "The Sexual Politics of the New Right: Understanding the 'Crisis of Liberalism' for the 1980s," Signs 7 (Spring, 1982) 567-588; Daniel C. Maguire, The New Subversives: Anti-Americanism of the Religious Right. (New York: Continuum, 1982), pp. 18-20, 114-116, 123-124.

[44] In addition, an index to the alternative press representing radical worker, feminist, and homosexual groups lists a dozen or more articles on the FPA under the subject heading, "Repressive Legislation."

[45] Gallup has found that unfavorable attitudes toward the Moral Majority outweigh the favorable, two to one. Gallup Report 197 (February, 1982) 20-23.

[46] Maguire, p. 19.

[47] Supporters of the FPA, often with justification, have protested that those fighting the bill have either not read the bill or are reacting to only one provision, which may or may not be in the current version. Ironically, given the New Right's similar attack on the Equal Rights Amendment, they urge that the FPA be judged on its merits, not on the basis of symbols and emotions. See especially, "The Family Protection Act: Symbol and Substance," Education Update 5 (September, 1981).

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[48] This position has given birth to a pro-family group of the Left, "Friends of Families." See Michael P. Lerner, "A New Pro-Family Group Really Belongs on the Left," In These Times 5 (September 30-October 6, 1981) 13-14; Michael P. Lerner, "Recapturing the Family Issue," Nation 234 (February 6, 1982) 141-144; Harriet Stix, "The Family Way in the Bay Area," Los Angeles Times, January 18, 1982, V, p. 1. For critical reaction from other leftists to this group, see: Greg Calvert, "Why Are Leftists Leaping to the Family's Defense?" In These Times 5 (September 30-October 6, 1981) 13-14; Kate Ellis, "Can the Left Defend a Fantasized Family?" In These Times 6 (December 9-15, 1981) 17; Barbara Ehrenreich, "Family Feud on the Left," Nation 234 (March 13, 1982) 289+; Barbara Epstein, "Family Politics and the New Left: Learning from Our Own Experience," Socialist Review 12 (May-August, 1982) 144-162.

[49] Jack L. Walker, "Setting the Agenda in the U.S. Senate: A Theory of Problem Selection," British Journal of Political Science 7 (October, 1977) 423-445.

[50] David M. Ackerman et al, Section-By-Section Summary and Constitutional Analysis of Revised Family Protection Act, As Introduced in 97th Congress (S. 1378, H.R. 3955) (Washington, D.C.: Congressional Research Service, 1981); The Women's Research and Education Institute, The Family Protection Act of 1981. (Washington, D.C.: 1981)

[51] See Human Events 41 (January 31, 1981), p. 5.

[52] See Barbara L. Nelson, The Politics of Child Abuse and Neglect (Berkeley: University of California Press, forthcoming) for a useful distinction between professional and popular agendas.